

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA

v.

ANDREW WILBUR,

Defendant

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Case No. 5:24-MJ -543 (MJK)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the dates of January 2024 to May 2024 in the county of Cayuga in the Northern District of New York the defendant violated:

Code Section
18 U.S.C. § § 2252(a)(2)(A) and
2252A(a)(5)(B)

Offense Description
Distribution and Possession of Child Pornography

This criminal complaint is based on these facts:

See attached affidavit

Continued on the attached sheet.


Martin Baranski
Complainant's signature

Martin Baranski, Special Agent

Martin Baranski
Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: November 22, 2024


Mitchell J. Katz
Judge's signature

City and State: Syracuse, New York

Hon. Mitchell J. Katz, United States Magistrate Judge

Mitchell J. Katz
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

**AFFIDAVIT IN SUPPORT
OF A CRIMINAL COMPLAINT**

I, Martin Baranski, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a criminal complaint charging Andrew Wilbur (“WILBUR”) with violations of Title 18, United States Code, Sections 2252A(a)(2)(A) (distribution of child pornography) and 2252A(a)(5)(B) (possession of child pornography), as more fully described below.

2. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been since May 2018. I have conducted and participated in numerous investigations of criminal activity, including but not limited to criminal violations relating to child exploitation, including the sexual exploitation of minors and the possession, receipt and distribution of child pornography, in violation of 18 U.S.C. §§ 2251 and 2252A. During the investigation of these cases, I have participated in the execution of search warrants and seized evidence of these violations. In addition, I have received formal training in the area of child pornography and child exploitation. During the investigation of these cases, I have executed, or participated in the execution of, numerous search warrants, and seized evidence of these violations, including electronic evidence.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included every fact known to me concerning this investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause to believe that WILBUR has violated Title 18,

United States Code, Sections 2252A(a)(2)(A) (distribution of child pornography) and 2252A(a)(5)(b) (possession of child pornography).

PROBABLE CAUSE

4. On February 1, 2024, The National Center for Missing and Exploited Children (NCMEC) received a report from Discord, Inc. (“Discord”), documented under Cybertip report #186083540, indicating that one of its users uploaded child pornography to Discord’s platform. The New York State Police (NYSP) Internet Crimes Against Children (ICAC) task force received and reviewed the Cybertip report from Discord.

5. In the Cybertip, Discord indicated that a user uploaded four videos potentially depicting child pornography. Discord provided the following information about the user’s account: verified email address [xxxx]mouthjames@gmail.com; screen/username “poomoyth;” user ID 1110112472196710501; and IP address 174.197.194.73.

6. Discord provided NCMEC with the video files that its user uploaded. Discord also noted in the CyberTip that it had reviewed the contents of video files uploaded by its user. I have reviewed the files provided by Discord and observed the following:

- a. File 2ba666ac-195f-495d-b7da-6f7387240757.mp4, uploaded on 01-15-2024 03:59:51 UTC from IP address 174.197.200.78, is 1 minute 34 seconds long, and depicts a prepubescent female child inserting a hairbrush, and her fingers, into her vagina. The female child appears to be approximately 10 years old.
- b. File VID_20240110_054037_265.mp4, uploaded on 01-15-2024 03:59:51 UTC from IP address 174.197.200.78, is 1 minute 10 seconds long, and depicts an adult

male with an erect penis having intercourse with a prepubescent female child who appears to be approximately 8 years old.

c. File VID_20231013_130108_373.mp4, uploaded on 01-15-2024 03:59:51 UTC from IP address 174.197.200.78, is a 59 second video depicting a female child, who appears to be approximately 14 years old, inserting a hairbrush into her vagina.

7. These video files are available for the Court's inspection upon request.

8. Through various investigative techniques including subpoenas, the NYSP determined that the POOMOYTH Discord account belongs to Andrew WILBUR, DOB: xx/xx/1999. In May 2024, the NYSP executed a search warrant at WILBUR's residence and subsequently arrested him for Possession of a Sexual Performance by a Child and Promoting Sexual Performance by Child based on the Cybertip received from Discord/NCMEC. The NYSP seized a Samsung Galaxy S21 5G (SM-G991U) mobile phone belonging to WILBUR pursuant to the search warrant. He is currently being held in Cayuga County jail.

9. WILBUR has a 2019 criminal conviction in Cayuga County Court for Possession of a Sexual Performance by a Child. WILBUR was sentenced to a three-year indeterminate term and was imprisoned from 2019 to 2021. WILBUR is currently registered as a level 1 sex offender on the New York State Sex Offender Registry.

10. The Samsung Galaxy S21 was reviewed by the NYSP forensic lab in Albany, NY. The results of that review and the forensic extraction was provided to your affiant. Per review of the NYSP report, the Samsung Galaxy S21 contained 23 child pornography images. The 23 child pornography images in the NYSP report were labelled as numbers 1 through 23. Image 1 in the NYSP report appears visually similar to the child pornography video 2ba666ac-

195f-495d-b7da-6f7387240757.mp4 as reported in the NCMEC CyberTipline Report #186083540. Images 7 and 9 in the NYSP report appear visually similar to the child pornography video VID_20240110_054037_265.mp4 as reported in the same CyberTipline Report.

11. On September 20, 2024, a search warrant for Discord user ID 1110112472196710501 was issued in the United States District Court for the Northern District of New York by U.S. Magistrate Judge Miroslav Lovric. The search warrant was executed by online submission to the Discord law enforcement portal on or around the same date.

12. On or around October 10, 2024, Discord returned the contents and communications of the Discord account, which were reviewed by your affiant. The Discord account contained in total 12 videos of child pornography that were distributed by ANDREW WILBUR via Discord. In addition, there was at least one "selfie" of WILBUR in the Discord account, demonstrating user attribution.

13. Of particular note, the video file 2ba666ac-195f-495d-b7da-6f7387240757 on the CyberTipline Report appears visually identical to the video file 1196132934319608059_1196302708206993498_1196302707921797150_2ba666ac-195f495d-b7da-6f7387240757 on the Discord search warrant return.

14. Furthermore, the Discord account return shows that on or about January 15, 2024, WILBUR used his Discord account to distribute approximately 11 child pornography videos to another user. One of the video files, 1196397228600872992_1196404294778372147_1196404292387622992_735f464f-cda9-

4fd5-a68b-c92ed3b5bdd3, depicts an approximately 4-year-old female child being subjected to mouth to penis conduct by an adult male.

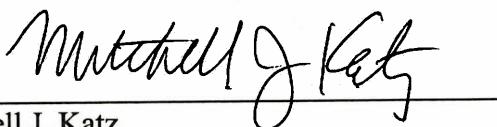
CONCLUSION

15. Based on the aforementioned facts, there is probable cause to believe ANDREW WILBUR has violated 18 U.S.C. §§ 2252A(a)(2)(A) (distribution of child pornography) and 2252A(a)(5)(B) (possession of child pornography), and your affiant requests a criminal complaint charging those violations of federal law be issued.

ATTESTED TO BY THE APPLICANT IN ACCORDANCE WITH THE REQUIREMENTS OF RULE 4.1 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE.


Martin Baranski, Special Agent

I, the Honorable Mitchell J. Katz, United States Magistrate Judge, hereby acknowledge that this affidavit was attested to by the affiant by telephone on November 22, 2024 in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.


Hon. Mitchell J. Katz
United States Magistrate Judge